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Elena Ruth Sassower, Coordinator

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BY CERTIFIED MAIL/R.R. Z-509-073-638

September 15, 1999

New York State Ethics Commission
39 Columbia Street
Albany, New York 12207-2717

- RE: (1) Supplement to CJA's March 26th ethics complaint
(2) Intervention in the Article 78 Proceeding, *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting Pro Bono Publico against Commission on Judicial Conduct of the State of New York* (NY Co. #99-108551)
(3) Notification to the Court in the Article 78 proceeding of the Ethics Commission's intentions with respect to the September 1, 1999 letter of David Nocenti, Counsel to Attorney General Spitzer

Dear Ethics Commissioners:

This letter reinforces and supplements CJA's March 26th ethics complaint against you, your Chairman, Paul Shechtman, your former Executive Director, Richard Rifkin, Governor George Pataki, the State Commission on Judicial Nomination, the State Commission on Judicial Conduct, and Attorney General Eliot Spitzer – to which, during these 5-1/2 months, we have received *no* response from you. It is also submitted for the agenda of your September 15th meeting, the first meeting in over two years in which the Ethics Commission has had a full complement of five Commissioners. This, as a result of Governor Pataki's recent appointment of Lynn Millane, announced in a September 1st press release (Exhibit "A").

As you know, the 27-month vacancy to which Ms. Millane has been appointed was the subject of vigorous protest by CJA, most recently, in our March 26th ethics complaint against the Governor, *inter alia*, for perpetuating that vacancy in violation of the explicit mandate of Executive Law §94.5, requiring him to fill "*any* vacancy occurring on the commission... *within sixty days* of its occurrence" (emphasis added). To this

was joined our ethics complaint against you, *inter alia*, for permitting the Governor's violation of Executive Law §94.5, whose consequence was to handicap the Ethics Commission in performance of its duties (*see, inter alia*, pp. 4, 9-11, 14).

Needless to say, the Governor's belated appointment of Ms. Millane does not change the fact of his long-standing violation of Executive Law §94.5 in connection with that vacancy, any more than his other tardy appointments alter his long-standing past violations of Executive Law §94.5. This includes his appointment of Paul Shechtman to fill a ten-month vacancy on the Ethics Commission, while failing for an additional eleven months to appoint a chairman from among the Commission's members, until May 1998 when he elevated Mr. Shechtman to that position. As highlighted by our March 26th complaint (at p. 10), the Governor's original appointment of Mr. Shechtman to the Ethics Commission was only *after* CJA's April 15, 1997 letter to the Governor protesting his non-compliance with Executive Law §94.5 (Exhibit "B") – a fact the Governor's office tried to conceal by a backdated press release (Exhibit "C"). Further substantiating the backdating of the original release, detailed in CJA's June 9, 1997 letter to you (Exhibit "D"), is the release that now appears on the Governor's website, bearing an April 28th date (Exhibit "E").

We do not know the circumstances prompting the Governor's appointment of Ms. Millane. However, on August 24th, five days *after* I notified your public information officer, Walter Ayres, that CJA was planning to follow up on an article in The New York Times about the U.S. Attorney's corruption investigation of the Governor by providing it and the Times with our March 26th ethics complaint, Mr. Ayres advised me that he had "heard" that an appointment was "imminent". This is set forth in the concluding paragraph of CJA's September 7th letter to Andrew Weissmann, Deputy Chief of the Criminal Division of the U.S. Attorney's Office, Eastern District – a copy of which was faxed to the Commission on September 9th. A "hard copy" of the letter is enclosed herewith.

As reflected by our September 7th letter, we transmitted to the U.S. Attorney the same voluminous documentation substantiating our March 26th ethics complaint as we had filed with the Ethics Commission – to which we added further substantiating materials subsequent to the complaint. Our letter indicated that these further materials had either already been transmitted to you or were shortly to be transmitted in support of the March 26th complaint. Of the two categories of materials identified (at p. 2), only the second is not already in your possession:

"CJA's March 30, 1999 letter to the Governor's Records Access Officer and his response thereto to our invocation of F.O.I.L. to obtain, *inter alia*, copies of the written reports of the Governor's judicial screening committees pertaining to the qualifications of all his judicial appointments – such reports being publicly accessible by the *express* language of the Governor's own Executive Orders #10 and #11." (CJA's 9/7/99 ltr to U.S. Attorney, at p. 2)

This correspondence is enclosed. It consists of CJA's March 30th letter to the Governor's Records Access Officer and his two letters stalling for time, the latter of which stated that the Governor's office would respond "no later than May 20, 1999." We have heard nothing from the Governor's office since. Thus may be seen that the Governor does not deny or dispute the public's access rights under F.O.I.L. and his own Executive Orders #10 and #11 to the requested materials pertaining to his judicial screening committees, but nonetheless wilfully refuses to make them publicly available. The inference here – as with CJA's previous unsuccessful attempts to obtain such materials, as detailed in the March 26th complaint (at pp. 16-19) -- is that the Governor is withholding them because disclosure would be prejudicial to him. Indeed, in light of the March 26th complaint, the inference is that the withheld materials would substantiate that portion as relates to the Governor's corruption of the judicial appointments process to the lower state courts through rigged ratings of sham screening committees¹ (see pp. 15-20).

The withheld materials also include Albert Rosenblatt's "financial statement" pertaining to his candidacy for our state's highest court – to which the public has an absolute right under Judiciary Law §63.4 and, therefore, under F.O.I.L. Consequently, an adverse inference may be drawn from the Governor's continued refusal to provide that document, which the March 26th complaint itself explicitly requested, following CJA's February 5, 1999 request to the Governor, which he had ignored (at p. 22).

¹ Since, as alleged, Mr. Shechtman is complicitous therein by reason of his participation, first on the Governor's Temporary Judicial Screening Committee and, thereafter, as Chairman of the Governor's State Judicial Screening Committee – a position he maintains simultaneous with his chairmanship of the Ethics Commission – the Governor's withholding of the materials duly requested by CJA's March 30th letter should also be deemed as substantiating that portion of CJA's March 26th complaint against Mr. Shechtman based thereon. Indeed, the March 26th complaint points out (at p. 19) that Mr. Shechtman, as Chairman of the State Judicial Screening Committee, has an "independent duty" to ensure that the judicial appointments process complies with the Governor's Executive Orders, including the public's express rights to committee reports of appointees to the lower state courts.

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In that connection, and supplementing that portion of the March 26th complaint addressed to the Commission on Judicial Nomination and its corruption of the "merit selection" process to the New York Court of Appeals (at pp. 22-24), also enclosed is correspondence reflecting that until CJA communicated with the New York State Committee on Open Government, the Commission on Judicial Nomination had improperly exempted itself from F.O.I.L. and, even still, refuses to comply with F.O.I.L.'s mandates. This correspondence consists of an April 26, 1999 letter of Robert Freeman, Executive Director of the Committee on Open Government, to CJA that the Commission on Judicial Nomination was "taking all necessary steps to comply with the Freedom of Information Law" and CJA's May 3, 1999 letter to Stuart Summit, Counsel to the Commission on Judicial Nomination. The May 3rd letter identified that notwithstanding F.O.I.L.'s requirement that information requests be responded to within five business days of receipt - a time parameter previously brought to Mr. Summit's attention, including in CJA's March 26th complaint (at p. 24) - he had not responded to CJA's March 12th F.O.I.L. request for the Commission's written reports of judicial recommendees throughout its 20-year history. We have received no response from Mr. Summit to this May 3rd letter reminder. Thus, while Mr. Summit does not deny the public's access rights under Judiciary Law §63.3 and under F.O.I.L. to those 20 years of written reports, he is preventing CJA from comparing them with the Commission's facially-inadequate and non-conforming November 12, 1998 report of its most recent recommendees to the Governor, Albert Rosenblatt, among them - which was our intention, as stated in both our prior correspondence with Mr. Summit and our March 26th ethics complaint (at p. 24). The clear inference to be drawn is that those prior reports would further highlight the discrepant nature of the November 12, 1998 report.

As for the first category of materials indicated by our September 7th letter to the U.S. Attorney, already in your possession:

"The file of the current Article 78 proceeding, Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico, against the Commission on Judicial Conduct of the State of New York (N.Y. Co. #99-108551), which is based on events particularized in the March 26th complaint (at pp. 25-27)" (CJA's 9/7/99 ltr to U.S. Attorney, at p. 2),

these materials documentarily establish Attorney General Spitzer's litigation fraud and wilful violation of conflict of interest rules in defending the Commission on Judicial Conduct. Their transmittal to you fully substantiates your duty to intervene in that Article 78 proceeding, first requested by my Notice of Right to Seek Intervention, sent

to you under an April 23rd coverletter (Exhibit "F") and reiterated by me in numerous telephone conversations with Mr. Ayres (*See* pp. 9-10, *infra*). They also present grounds to supplement CJA's March 23rd ethics complaint against Attorney General Spitzer (at pp. 27-29) with an ethics complaint against him and his culpable staff, including his Deputy Attorney General for State Counsel, Richard Rifkin, your former Executive Director, based on their litigation fraud and violation of conflict of interest rules in the Article 78 proceeding. Likewise, they present grounds to further supplement CJA's March 26th ethics complaint against the Commission on Judicial Conduct (at pp. 25-27) – the Commission being a complicitous beneficiary of the Attorney General's litigation fraud on its behalf² in the proceeding.

Substantiating these two supplements is my *uncontroverted* July 28th motion for omnibus relief, seeking the Attorney General's disqualification and sanctions against him, his culpable staff, and against the members and culpable staff of the Commission on Judicial Conduct – including disciplinary and criminal referral of them. The 55-page supporting affidavit particularizes Mr. Spitzer's disqualifying self-interest in the proceeding, as well as that of Mr. Rifkin, by a recitation complementing that presented in the March 26th ethics complaint. The March 26th complaint is itself referred to at ¶¶49-53 of the affidavit and annexed as an exhibit. The affidavit also details that this disqualifying conflict of interest is manifested by the misconduct of the Attorney General's office, both before and after the proceeding was commenced, with the accompanying 99-page memorandum of law meticulously demonstrating that the Attorney General's motion to dismiss the proceeding is, in virtually every line, founded on wilful falsification, omission, and distortion of (a) the material allegations of the Verified Petition; (b) the evidentiary proof annexed thereto as exhibits; and (c) the Verified Petition and judicial decision in the prior Article 78 proceeding against the Commission on Judicial Conduct, annexed to the Attorney General's dismissal motion.

Thus this supplemental ethics complaint against Attorney General Spitzer demonstrates the same *modus operandi* of litigation misconduct by Mr. Spitzer as had been employed by his predecessor Attorneys General, identified in CJA's \$3,000 public interest ad, "*Restraining 'Liars in the Courtroom' and on the Public Payroll*" (NYLJ, 8/27/97, pp. 3-4) (Exhibit "G-1"). That ad was annexed to CJA's December

² CJA's March 26th ethics complaint against the Commission on Judicial Conduct was designated as a "second supplement" to our March 22, 1995 ethics complaint against it. The first supplement was CJA's September 14, 1995 complaint, based on the Attorney General's litigation misconduct and failure to take corrective steps in the first Article 78 proceeding against the Commission.

16, 1997 ethics complaint against then Attorney General Vacco, to which we received *no* response from you. This non-response is highlighted and forms the basis for our March 26th complaint against you for “substantial neglect of duty” and “gross misconduct in office”, subverting the very purpose of the Ethics Commission.

Your failure to respond to the March 26th ethics over these past 5-1/2 months is now grounds for supplementing the March 26th complaint against you. As you are presumed to know, you are not free to ignore sworn ethics complaints, such as the March 26th ethics complaint, without violating Executive Law §94.12(a). In mandatory language, it sets forth your duty:

“If the commission receives a sworn complaint alleging a violation of section... seventy-four of the public officers law by a state officer or employee subject to the provisions of... seventy-four of the public officers law..., the commission *shall* notify the individual in writing, describe the possible or alleged violation of section... seventy-four and provide the person with a fifteen-day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the commission thereafter makes a determination that further inquiry is justified, it shall give the individual an opportunity to be heard... If the commission determines at any stage of the proceeding, that there is no violation or that any potential conflict of interest has been rectified, it *shall* so advise the individual and the complainant, if any...” (emphasis added).

Yet, upon information and belief, you did not notify *any* of the parties complained against by our March 26th complaint of their alleged violation of Public Officers Law §74 “in writing” nor require them to “submit a written response” with respect thereto. Certainly, you never advised CJA – the complainant – “that there is no violation or that any potential conflict of interest has been rectified”. Neither have you informed us of any referral of the March 26th complaint to investigative bodies not tainted by the conflict of interest that disqualifies you, including, as proposed by the March 26th complaint (at pp. 5-7; 29), to Attorney General Spitzer’s unstaffed “public integrity unit”.³

By your inaction on CJA’s March 26th ethics complaint, you have directly contributed to the continuing misconduct of all the complained-against parties – now the subject

³ My July 28th affidavit in support of my disqualification/sanctions motion chronicles that Mr. Spitzer’s “public integrity unit” is a hoax and presents facts showing the misconduct of Peter Pope, reputed to be its head. See, also, fn. 6 of CJA’s September 7th letter to the U.S. Attorney, as well as page 5 thereof.

of this supplement – much as your inaction on CJA's December 16, 1997 ethics complaint, as well as our prior correspondence, gave the complained-against public officers and agencies confidence that they had nothing to fear from you and could, with impunity, violate legal and ethical constraints on their conduct -- which they did -- thereby necessitating the March 26th complaint against them and yourselves.

Obviously, had you performed your duty under Executive Law §94.12(a) by requiring a response from Mr. Spitzer and the Commission on Judicial Conduct to their violations of Public Officers Law, alleged at pages 2-3 of CJA's March 26th complaint, and by following up with proceedings based upon the documentary proof we presented of their corruption -- the Attorney General's office would not now be subverting the judicial process in the current Article 78 proceeding -- repeating, in even more extreme a fashion, its defense fraud in the prior Article 78 proceeding against the Commission -- the subject of CJA's September 14, 1995 ethics complaint. As identified by the March 26th complaint (at p. 13), that original ethics complaint against the Attorney General was dismissed *without* presentment to the Ethics Commissioners by Mr. Rifkin, who improperly refused to recuse himself notwithstanding he was self-interested in the dismissal. Upon information and belief, Mr. Rifkin's dismissal of that complaint was without a "written response" having been submitted by the Attorney General or the Commission on Judicial Conduct⁴.

Your exemption of the Attorney General and the Commission on Judicial Conduct from the requirement of a "written response" pursuant to Public Officers Law §74 -- as well as your exemption of the other public officers and agencies, whose misconduct is particularized and documentarily established by CJA's March 26th ethics complaint, demonstrates your wilful refusal to even-handedly discharge your duties and your violation of the very Public Officers Law you are enjoined to enforce -- specifically, §§74(d), (f), and (h).

By ignoring CJA's fact-specific, document-supported showing in the March 26th complaint of systemic governmental corruption, including of the Ethics Commission itself, you have reinforced the need not only for the removal of your Chairman, Mr. Shechtman, as requested by the March 26th complaint (at p. 2) but of each of the Commissioners, excepting perhaps the newly-appointed Ms. Millane. Since it is the Governor who removes Commissioners, pursuant to Executive Law §94.7 and, he, assuredly, is content with your subversion of the Commission's mandate to protect

⁴ It is unknown whether the Commission on Judicial Conduct was ever required to submit a "written response" to CJA's predecessor March 22, 1995 ethics complaint against it, which Mr. Rifkin dismissed simultaneous with his dismissal of CJA's September 14, 1995 ethics complaint.

high-ranking public officers, such as himself, and corrupted state agencies which he himself has protected, CJA calls upon you to resign your positions. Resignations are surely in order if, following your September 15th meeting, you continue to ignore CJA's March 26th ethics complaint and its predecessors by failing to require "written response" from the complained-against public officers and agencies, by failing to refer these complaints to other investigative bodies, notwithstanding you and those with whom you are associated are self-interested in their outcome, and by failing to respond to my request for your intervention in the current Article 78 proceeding against the Commission on Judicial Conduct.

Among those who have a direct personal interest in CJA's ethics complaints against the Attorney General and in the current Article 78 proceeding is Donald Berens, Jr., who you appointed to succeed Mr. Rifkin as your Executive Director – Mr. Rifkin having stepped down to become Mr. Spitzer's Deputy Attorney General for State Counsel – the position Mr. Berens had held under Mr. Vacco.

As Mr. Vacco's Deputy Attorney General for State Counsel, Mr. Berens bears ultimate responsibility for the litigation misconduct of Mr. Vacco's Law Department in defending state judges and the Commission on Judicial Conduct, apart from Mr. Vacco himself. He is, therefore, implicated by CJA's September 14, 1995 and December 16, 1997 ethics complaints based thereon. Indeed, he was in a position to examine the three cases that were the subject of those complaints – and take the corrective action requested by CJA's September 19, 1995 and January 13, 1998 letters to Mr. Vacco, transmitting the complaints (Exhibits "H-1" and "H-2"). This may be seen from his published Letter to the Editor, "*Assistants' Lapses Not Tolerated by Vacco*" (NYLJ, 5/16/97) (Exhibit "G-2"), in which Mr. Berens himself reviewed the extenuating particulars of several cases in which judges and magistrates had issued harsh decisions, including sanctions, against the Law Department and the corrective actions taken. This published Letter, whose final words read "the Attorney General does not accept, and will not tolerate, unprofessional or irresponsible conduct by members of the Department of Law" inspired "*Restraining 'Liars'*" (NYLJ, 8/27/97) (Exhibit "G-1"), whose opening sentence identified Mr. Berens' Letter and quoted those very words – followed by a description of the Attorney General's *modus operandi* of fraudulent defense tactics in the three cases, identified with index and docket numbers to facilitate verification. A copy of "*Restraining 'Liars'*" was hand-delivered to Mr. Berens in Albany the week following its publication – as reflected by the receipted acknowledgment, transmitted to the Ethics Commission under CJA's April 23rd coverletter and identified therein (Exhibit "F"). That Mr. Berens could – as he did -- fail to take any discernible corrective steps in face of the ad's fact-specific allegations, the complete accuracy of which the Law Department has *never* denied or

disputed, shows that his proclamation of the Law Department's commitment to "the highest professional standards" was a knowing deceit upon the public.

By reason of Mr. Berens' friendship with your then Executive Director, Mr. Rifkin, with whom he had worked together in the Attorney General's office under Robert Abrams, Mr. Berens knew he had nothing to fear from the Ethics Commission. He was right. When "*Restraining 'Liars'*" was presented to the Ethics Commission as part of CJA's December 16, 1997 ethics complaint against Attorney General Vacco, supplementing our original September 14, 1995 complaint against the Attorney General, which Mr. Rifkin had dishonestly dismissed, the Ethics Commission ignored it.

Mr. Berens assumed his position as your Executive Director on April 5th – less than a week after CJA's March 26th complaint was received at the Commission's office. That complaint, if not the newest and weightiest before him on his first day on the job, was one in which he had a direct interest by reason of its detailed recitation of the Ethics Commission's cover-up of CJA's December 16, 1997 and September 14, 1995 ethics complaints based on the Attorney General's litigation fraud and failure to take corrective action detailed in "*Restraining 'Liars'*", Mr. Rifkin's misconduct as your Executive Director in connection therewith, and Attorney General Spitzer's protectionism of Mr. Rifkin by failing to rescind his appointment as Deputy Director for State Counsel and failure to take corrective action in the face of the "*Restraining 'Liars'*" ad.

Mr. Berens' conduct has reflected this self-interest. He has failed to ensure that a letter acknowledgment of the March 26th complaint be sent to CJA or that other written notification of its status be sent us⁵. Nor has he advised us of the status of my request for the Ethics Commission's intervention in the current Article 78 proceeding against the Commission on Judicial Conduct – a litigation in which all three of the cases chronicled by "*Restraining 'Liars'*" interface. Indeed, throughout these 5-1/2 months, Mr. Berens has not only failed to communicate in writing as to either the March 26th complaint or the intervention request, but he has refused to speak with me by phone. This, notwithstanding I expressly requested to speak with him in messages relayed by Mr. Ayres, beginning on May 7th, and in two telephone messages of my own left for Mr. Berens on May 11th and 13th -- a period immediately prior to the May 14th return date of the Verified Petition in the Article 78 proceeding, when the

⁵ By contrast, the Ethics Commission acknowledged receipt of CJA's March 22, 1995 ethics complaint against the Commission on Judicial Conduct, by letter dated April 4, 1995, and, by letter dated May 2, 1995, advised that the complaint would be "held in abeyance" until the [prior] Article 78 proceeding against the Commission is finally determined."

Attorney General's conflict of interest and litigation misconduct were becoming increasingly manifest.

It is because of Mr. Berens' refusal to speak with me that all my "lengthy status reports" concerning the Attorney General's litigation misconduct in the current Article 78 proceeding (referred to at page 5 of my September 7th letter to the U.S. Attorney as having been "to apprise the Ethics Commissioners of the continuing catastrophic consequences of their inaction on CJA's March 26th ethics complaint and to reinforce the necessity of their intervention") have been given to Mr. Ayres, who serves as conduit to Mr. Berens and, through him, to you. In addition to my initial telephone conversation with Mr. Ayres about the Article 78 proceeding on April 22nd, and then on May 7th, my subsequent extensive conversations with him on May 21st, June 21st, July 30th, and August 19th all provided him a "blow-by-blow" accounting of the Attorney General's conflict of interest and fraudulent litigation tactics in the proceeding on par with that presented in my July 28th affidavit supporting my disqualification/sanctions motion and in my August 17th letter to the Court, responding to the Attorney General's opposition to the motion. None of this, however, has prompted Mr. Berens – the man who proclaimed the "highest professional standards" of "attorneys and managers" in the Department of Law – to communicate with me directly.

Last week, after a telephone conversation with Mr. Ayres, I faxed him a September 1st letter from David Nocenti, counsel to Attorney General Spitzer (Exhibit "I-1"), responding to my August 6th letter to him (Exhibit "I-2")⁶. My letter had transmitted to Mr. Nocenti a copy of my July 28th affidavit and memorandum of law in support of my motion for the Attorney General's disqualification and sanctions so that he – and Mr. Spitzer – could verify that the Law Department was engaged in the identical *modus operandi* of litigation fraud and misconduct recounted in "*Restraining Liars*", and that the principal cause was the self-interest of Mr. Spitzer, Mr. Rifkin, and other staff in the proceeding. Mr. Nocenti's response – which I discussed with Mr. Ayres – was to decline to undertake "a separate internal review". This, because my "allegations are now the subject of a pending motion in State Supreme Court" and because "related allegations" have been submitted to the State Ethics Commission.

By such proffered excuses, the Attorney General seeks to relieve himself of his supervisory responsibility to ensure the integrity of his own office – knowing full well

⁶ My August 6th letter to Mr. Nocenti was already in your possession as Exhibit "C" to my August 17th letter to the Court, *infra*. – the last document in the already-transmitted file of the current Article 78 proceeding. (See also Exhibit "I-2" herein.)

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that my affidavit and memorandum of law establish fraudulent conduct by the Attorney General's office rising to a level of criminality. Indeed, the final document in the file of the current Article 78 proceeding, my August 17th letter to the Court – to which Mr. Nocenti is an indicated recipient -- shows that he was previously informed that not a single one of my fact-specific allegations of my 55-page affidavit were denied or disputed by the Attorney General's opposition, which also did not deny or dispute a single one of the record references and legal citations in my 99-page memorandum of law.

Since Attorney General Spitzer is leaving the matter of his defense fraud and conflict of interest to the Court and to the Ethics Commission, it would be appropriate for you to apprise the Court of your intentions relative to this supplement to our March 26th ethics complaint against the Attorney General and Commission on Judicial Conduct, involving the *very* issues as are before the Court on my motion. Clearly, the Court should know if the Ethics Commission intends to ignore this supplemental ethics complaint, *without* requiring a "written response" from the Attorney General and from the Commission on Judicial Conduct, pursuant to Executive Law §94.12(a), and *without* making any referral to an investigative body untainted by conflict of interest. That way there will be no doubt as to whether the transcending issue of the corruption of the judicial process by our state's highest law enforcement officer and the state agency designed to enforce judicial standards rests with it alone.

Oral argument on my disqualification/sanctions motion is Friday, October 1st. I would, however, like to incorporate reference to the Ethics Commission's intentions in my reply papers to the Attorney General's opposition. Since these are due on Friday, September 24th, I would appreciate your advising me of same ASAP.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)

Enclosures

See next page for indicated recipients

cc: U.S. Attorney, Eastern District of New York
 ATT: Andrew Weissmann, Deputy Chief, Criminal Division
 [certified mail/rrr: Z-509-073-641]
 Governor George Pataki
 ATT: James McGuire, Counsel; Rosario Vizzie, Records Access Officer
 [certified mail/rrr: Z-509-073-642]
 Attorney General Eliot Spitzer
 ATT: David Nocenti, Counsel; Peter Pope, Special Counsel
 [certified mail/rrr: Z-509-073-643]
 New York State Commission on Judicial Conduct
 ATT: Gerald Stern, Administrator
 [certified mail/rrr: Z-509-073-644]
 New York State Commission on Judicial Nomination
 ATT: Stuart Summit, Counsel
 [certified mail/rrr: Z-509-073-645]

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ATT: Walter Byres

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 39 COLUMBIA STREET
 ALBANY NEW YORK
 12207-2717*

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2-509-073-638

4b. Service Type
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 Express Mail Insured
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NY Attorney General
Eliot Spitzer
120 Broadway 2502
NY NY 10271 floor
Att: David Nocenti
Reder Page

4a. Article Number
2-509-073-643

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- Express Mail
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- Insured
- COD

7. Date of Delivery
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5. Received By: (Print Name)
D. Bonnici

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)
X

PS Form 3811, December 1994

102595-97-B-0179 Domestic Return Receipt

Z 509 073 644

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to *NYS Commissioner*

Medical Candor

Street & Number
801 Second Ave

Post Office, State, & ZIP Code
NY NY 10017

Postage \$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered

Return Receipt Showing to Whom, Date, & Addressee's Address

TOTAL Postage & Fees \$ *5.18*

Postmark or Date

Postmark or Date

Postmark or Date

Postmark or Date

Postmark or Date

Postmark or Date

Postmark or Date

Postmark or Date

Postmark or Date

Postmark or Date

Postmark or Date

Postmark or Date

Postmark or Date

Postmark or Date

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
NYS Commissioner
Medical Candor
801 Second Avenue
NY NY 10017
Att: Gerald Stern

4a. Article Number
2-509-073-644

4b. Service Type

- Registered
- Express Mail
- Return Receipt for Merchandise
- Certified
- Insured
- COD

7. Date of Delivery
SEP 20 1999

5. Received By: (Print Name)
KAMPERSANT

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)
X

PS Form 3811, December 1994

102595-97-B-0179 Domestic Return Receipt

PS Form 3800, April 1995

PS Form 3800, April 1995

Thank you for using the service.

Thank you for using the service.

Z 509 073 641

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to *US Attorney - Eastern District of NY*
Andrew Weissmann, Deputy Chief of Crim. Div.
1 Rockefeller Plaza Rm 1558

Street & Number
1 Rockefeller Plaza Rm 1558

Post Office, State, & ZIP Code
Brooklyn, NY 11201

Postage \$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered *GENE*

Return Receipt Showing to Whom, Date, & Addressee's Address

TOTAL Postage & Fees *5.40*

Postmark of Date

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address

2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
US Attorney - Eastern District of NY
Andrew Weissmann
Deputy Chief Crim Div.
One Rockefeller Plaza
Room 1558
Brooklyn, NY 11201

4a. Article Number
2509-073-641

4b. Service Type

Registered Certified

Express Mail Insured

Return Receipt for Merchandise COD

7. Date of Delivery
9-22-99

5. Received By: (Print Name)
UNDELIVERED

6. Signature: (Addressee or Agent)
X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

Z 509 073 642

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to *Governor George Pataki*
Executive Chamber
Room 214

Street & Number

Post Office, State, & ZIP Code
Albany, NY 12224

Postage \$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered *GENE*

Return Receipt Showing to Whom, Date, & Addressee's Address

TOTAL Postage & Fees *5.18*

Postmark of Date

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address

2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Governor George Pataki

4a. Article Number
2-509-073-642

4b. Service Type

Registered Certified

Express Mail Insured

Return Receipt for Merchandise COD

7. Date of Delivery
9/20/99

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

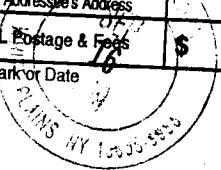
Z 509 073 645

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

| | |
|---|---|
| Sent to | NY S COMMISSIONER |
| Street & Number | Judicial Administration 666 Fifth Ave 28 th floor |
| Post Office, State, & ZIP Code | NY NY 10103-0084 |
| Postage | \$ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, & Addressee's Address | |
| TOTAL Postage & Fees | \$ 5.18 |
| Postmark or Date | |

PS Form 3800, April 1995



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
NY S COMMISSIONER
Judicial Administration
ATT: Stuart Summit
666 Fifth Avenue
NY NY 10103-0084

4a. Article Number
Z-509-073-645

4b. Service Type

| | |
|---|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery
9/2/99

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X K. [Signature]

PS Form 3811, December 1994

102595-97-B-0179 Domestic Return Receipt